

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES LYNN O'HINES,

Plaintiff,

No. C 09-2375 PJH (PR)

vs.

ORDER OF DISMISSAL


Warden JEFF FREELAND, et al.,

Defendants.

This is a civil rights case filed pro se by a state prisoner. The complaint is incomprehensible, and so is **DISMISSED** without prejudice. See *Jackson v. Arizona*, 885 F.2d 639, 641 (9th Cir. 1989) (claim that is totally incomprehensible may be dismissed as frivolous as it is without an arguable basis in law); see also *Cato v. United States*, 70 F.3d 1103, 1106-07 (9th Cir. 1995) (an IFP complaint that fails to identify any constitutional or statutory right that was violated, or assert any basis for federal subject matter jurisdiction is frivolous). The clerk shall close the file.

IT IS SO ORDERED.

Dated: October 19, 2009.



PHYLLIS J. HAMILTON
United States District Judge